



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

March 21, 2016

Mr. David G. Westerholm  
Director, Office of Response and Restoration  
National Ocean Service  
National Oceanic and Atmospheric Administration  
1305 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Westerholm,

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the Environmental Protection Agency (EPA) has reviewed the Federal and State natural resource trustee agencies' Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (PDARP/PEIS) for the Deepwater Horizon oil spill.

As Federal and State natural resource trustees (Trustees), the U.S. Department of Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA), the EPA, the U.S. Department of Agriculture (USDA), Alabama, Florida, Mississippi, Louisiana, and Texas prepared this PDARP/PEIS to describe the process for subsequent planning to select specific restoration projects to restore natural resources, ecological services, and recreational use services injured or lost as a result of the Deepwater Horizon oil spill.

The Final PDARP/PEIS analyzed three programmatic restoration alternatives, in addition to the no action alternative. The Oil Pollution Act's natural resource damage assessment regulations guided the Trustees' development and evaluation of programmatic restoration alternatives. The injuries caused by the *Deepwater Horizon* spill cannot be fully described at the level of a single species, a single habitat type, or a single region. Rather, the injuries affected such a wide array of linked resources over such an enormous area that the effects of the *Deepwater Horizon* spill must be described as constituting an ecosystem-level injury. Consequently, the Trustees' Preferred Alternative for a restoration plan employs an integrated ecosystem approach to best address these ecosystem-level injuries.

The EPA submitted comments on the Draft PDARP/PEIS on November 30, 2015. In our comments, we articulated the EPA's strong support for the comprehensive, integrated restoration portfolio identified as the Preferred Alternative. We rated the PDARP/PEIS as "Lack of

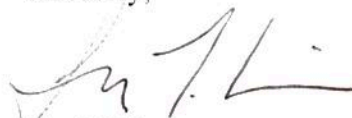
Objections” and recognized the Trustees’ commitment to ensuring that subsequent restoration plans are consistent with the PDARP and integrated with a NEPA analysis tiered from the PEIS to ensure project-specific impacts and mitigation are considered.

We appreciate the steps that have been taken to satisfactorily address the EPA’s comments on the Draft PDARP/PEIS. We recognize that the Final PDARP/PEIS incorporated our recommendation that the Trustees consider using EJSCREEN, the EPA’s environmental justice screening and mapping tool, when considering potential project-specific impacts to minority and low income populations.

The Final PDARP/PEIS indicates that the Trustees will need to consider many design factors when developing and prioritizing future restoration projects, including external influential factors such as relative sea level rise and climate change that can affect the resilience and sustainability of projects. We acknowledge the Trustees’ detailed discussion on future climate scenarios and the plan’s recognition of the importance to consider climate adaption measures as they relate to future project-specific analyses. In our comments on the Draft PDARP/PEIS, the EPA recommended that the Trustees use the Council on Environmental Quality’s (CEQ) December 2014 revised draft guidance for Federal agencies’ consideration of GHG emissions and climate change impacts in NEPA to help outline the framework for its project-specific analysis of these issues. We appreciate the additional information provided in the Chapter 8 response to comments, which calls for following the 2014 CEQ draft guidance and states that the NEPA analysis for subsequent restoration projects should consider climate change adaptation issues and the potential effects of a project’s estimated GHG emissions.

EPA maintains its strong support for the actions proposed under the PDARP/PEIS, which address injuries to natural resources and resource services resulting from the Deepwater Horizon oil spill. If we can be of any further assistance, I can be reached at 202-564-8029, or you can contact Megan Barnhart of my staff at 202-564-5936.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Shari Wilson', with a stylized flourish at the end.

Shari Wilson  
Acting Director  
Office of Federal Activities